IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1244 OF 2005
IN
CRIMINAL APPEAL NO. OF 2005

Minoo @ Minocher Sheriar Hormazdi ..Applicant
V/s

1. Shri Ranchodbhai Parsuram Patil
and Anr. ..Respondents.

Mr. A.J. Irani for the applicant.

Mr. A.S. Shitole, APP for the State.

CORAM: V.M.KANADE,J.
DATE: 9th March, 2005

P.C.:

1. Heard the learned Counsel for the applicant.

2. This is an application for leave to appeal against the judgment and Order passed by the Judicial Magistrate, Dahanu dated 22/12/2004.

3. Applicant is the original complainant who had filed a complaint under sections 504, 506, 499 and 500 of the Indian Penal Code against the respondent No.1. In support of the said complaint, he had examined himself and one other witness. The applicant has annexed copy of the depositions as also statement of the accused which was recorded by the Magistrate under section 313 of the Criminal Procedure Code.

4. The learned Counsel for the applicant has taken me through the judgment and order of the Trial Court as also the evidence adduced by the complainant. Apart from the evidence of the complainant, the only other witness which is examined by the prosecution is P.W. 2 - Arun Mahadeo Patil. In his evidence, the said witness has made a vague statement that the accused told him that the complainant had committed the said murders and rape and that he should convey to the complainant to pay Rs 40,000/-. In his cross-examination, he has stated that this fact was narrated by him to the complainant after 5 to 6 days. He has also admitted that he was working for the complainant for about eight years.

5. In my view, there is no direct corroboration to the evidence given by the complainant. The evidence of P.W.2 is very vague. Apart from that, he appears to be an interested witness. The Trial Court, in my view, has given cogent reasons for dismissing the complaint. There is no reason to interfere with the said judgment and order. Leave is, therefore, refused. Appeal is dismissed.

V.M. KANADE, J.